

Atty. Dkt. No. 035451-0107(3566.Palm)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-20 are now pending in this application.

Claim Rejections – 35 U.S.C. § 102

In Section 4 of the Office Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Tai (U.S. Patent No. 5,781,636). The Examiner indicates that the claim limitation of “a program residing in memory and configured to be run on the processing device, the program configured to vary the output amplitude of the sound generator depending on the sound generator frequency,” is disclosed as the “amplitude-variant signal” at column 3, lines 6-32 of Tai. To this assertion, Applicants respectfully disagree. The amplitude of generator 40 which may be used to change the amplitude of a sound is not used in Tai to vary the output amplitude of the sound generator based on the sound generator frequency. The amplitude generator 40 of Tai is used to produce different sound effects such as “vibrato”. The amplitude generator of Tai does not produce varying amplitudes based on the frequency of the output signal. Rather the amplitude generator of Tai is used to produce “vibrato” and other sound effects. Applicants claimed invention is used to adjust output amplitude based on the frequency of the sound being generated to make up for deficiencies in the sound generator, speaker, buzzer or the like, because the output device does not produce uniform amplitude across the full range of frequencies over which it is intended to be used. See, e.g., Specification paragraph [0022]. Accordingly, Tai does not disclose, teach, or suggest all of the claim limitations of independent claim 1. Accordingly, independent claim 1 and its respective dependent claims are therefore allowable.

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In Section 5 of the Office Action, the Examiner rejected claims 15-20 under 35 U.S.C. § 102(b) as being anticipated by Dougherty (U.S. Patent No. 5,872,852). The Examiner indicated that the claim limitation of claim 15 "accessing a look up table according to the sound frequency to be generated to obtain volume adjustment information" is disclosed at column 5, lines 22-32 and column 20, lines 43-46. Applicants respectfully submit that although Dougherty discloses a generator that generates an address signal from the current values of the desired volume and noise signals. What is not disclosed in Dougherty is that a look up table is accessed using a sound frequency which is to be generated. Once the sound frequency is chosen, then the volume adjustment information can be accessed from the table. Dougherty only discloses a memory device, such as a digital memory that stores volume control values representative of the volume control signal associated with a particular value of the desired volume and noise signals. Accordingly, because Dougherty does not disclose, teach, or suggest all of the claim limitations of independent claim 15, independent claim 15 and its dependent claims are therefore allowable.

Claim Rejections – 35 U.S.C. § 103

In Section 7 of the Office Action, the Examiner rejected claims 2, 4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Klein (U.S. Patent No. 6,011,473). Applicants respectfully submit that claims 2, 4, and 7 all depend from independent claim 1 which Applicants believe is allowable. Accordingly, for all of the reasons which claim 1 is allowable, claims 2, 4, and 7 are also allowable for at least the same reasons. Therefore, Applicants respectfully request the withdrawal of the rejection to claims 2, 4, and 7.

In Section 8 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Campbell (U.S. Patent No. 6,532,005). Applicants respectfully submit that independent claim 5 which depends from claim 1 is allowable for at least the same reasons as claim 1.

In Section 9 of the Office Action, the Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Cohen (U.S. Patent No. 4,283,600). Applicants

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respectfully submit that claim 6 which depends from claim 1 is allowable for at least the same reasons that claim 1 is allowable.

In Section 10 of the Office Action the Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Pfeiffer (U.S. Patent No. 4,618,995). The Examiner indicated that regarding claim 8, Tai discloses everything as claimed in claim 1, but:

- a. A modulator circuit coupled to the processor
- b. A transistor coupled the modulator circuit
- c. A sound generator coupled to the transistor

Applicants respectfully submit that independent claim 8 is thereby traversed for at least all of the reasons of independent claim 1, that is that Tai (nor Pfeiffer) discloses the program that is configured to change the output amplitude of the sound generator depending on the output frequency of the sound generator. Accordingly, Applicants respectfully submit that independent claim 8 is therefore allowable.

In Sections 11 and 12 of the Office Action, the Examiner rejected claims 9 and 10 primarily using Tai. Applicants respectfully submit that claims 9 and 10 which depend from independent claim 8 are allowable for at least the same reasons as independent claim 8.

In Section 13 of the Office Action, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Pfeiffer as applied to claim 8 above and in further view of Klein (U.S. Patent No. 6,011,473). Applicants respectfully submit that claim 11 is allowable for at the same reasons that claim 8, which claim 11 depends from, is allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 11.

In Section 14 of the Office Action, the Examiner rejected claims 12, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Pfeiffer, as applied to claim 8 above,

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and "further in view of data (attached to references)". Applicants respectfully submit that claims 12, 13, and 14 are allowable for at least the same reasons as claim 8 from which claims 12, 13, and 14 depend. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 12, 13, and 14.

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Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date June 03, 2005

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